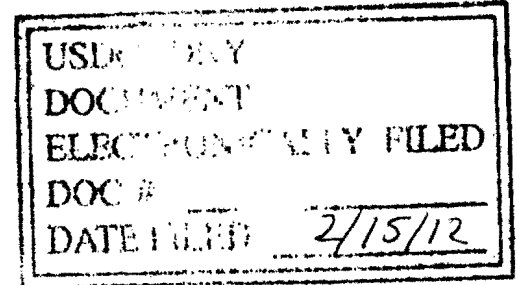


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



UNITED STATES OF AMERICA

- against -

EBRIMA JOBARTEH,

Defendant.

ORDER

09 CR 699-06 (SAS)

SHIRA A. SCHEINDLIN, U.S.D.J.:

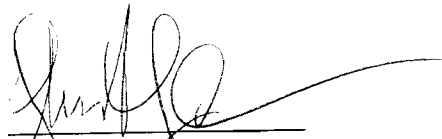
The above-named defendant may be eligible for re-sentencing, pursuant to 18 U.S.C. § 3582(c)(2), as a result of The Fair Sentencing Act of 2010, Pub. L. No. 111-120, 124 Stat. 2372 (2010) (the “Act”). The Act reduced the statutory penalties for offenses involving “crack” cocaine and directed the Sentencing Commission to promulgate emergency amendments to the United States Sentencing Guidelines (the “Guidelines”). To lower the offense levels applicable to crack cocaine offenses, the Sentencing Commission implemented a temporary, emergency amendment, Amendment 748. On June 30, 2011, the Commission voted to give Amendment 748 retroactive effect, to be designated Amendment 750 in Appendix C of the Sentencing Guidelines. Amendment 750 was given retroactive effect as of November 1, 2011. This Court will therefore reconsider defendant’s sentence in light of these amendments.

Accordingly, the attorney previously appointed under the Criminal Justice Act (“CJA”) to represent the defendant, Bobbi C. Sternheim, is hereby re-appointed, under the CJA and in the interest of justice, for purposes of this reconsideration. A conference has been scheduled for March 20, 2012, at 4:30 p.m. Because defendant’s presence is not required at this conference, he will not be produced.

This conference will be cancelled if the Government and defense counsel (the “parties”) agree that defendant is ineligible for a further reduction in sentence. In that case, this Court will issue an Order, *sua sponte*, denying the motion for sentence reduction. This conference will also be cancelled if the parties agree as to both defendant’s eligibility and the amount of the reduction in defendant’s sentence. In that case, this Court will issue an Order, *sua sponte*, granting the motion for reduction in sentence. To cancel a conference, the parties are directed to place a conference call to my clerk, Jim Reily, at (212) 805-0120.

Where the parties disagree on defendant’s eligibility, or agree as to eligibility but disagree as to the amount of the reduction, each party may submit a ten-page, double-spaced letter-brief explaining the disputed issues. All submissions are due seven (7) calendar days before the date of the conference. For example, each party’s submission would be due by February 17, 2012, if the conference were scheduled for February 24, 2012.

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin', written over a horizontal line.

Shira A. Scheindlin
U.S.D.J.

Dated: New York, New York
February 15, 2012

- Appearances -

For the Defendant:

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For the Government:

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